

Joyce W. Lindauer
State Bar No. 21555700
Joyce W. Lindauer Attorney, PLLC
1412 Main Street, Suite 500
Dallas, TX 75202
Telephone: (972) 503-4033
Facsimile: (972) 503-4034
Proposed Attorney for Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

PREFERRED READY-MIX LLC

Debtor.

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§

**CASE NO. 21-33369
Chapter 11**

DEBTOR'S APPLICATION TO EMPLOY COUNSEL

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

THERE WILL BE A HEARING ON THIS MOTION ON DECEMBER 15, 2021, AT 11:00 A.M. BEFORE THE HONORABLE JEFFREY NORMAN, UNITED STATES BANKRUPTCY COURT, 515 RUSK STREET, COURTROOM 403, HOUSTON, TEXAS 77002.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW Preferred Ready-Mix LLC. (“Debtor”), Debtor in the above-styled and numbered case, and files Debtor’s Application to Employ Counsel, and in support of same would respectfully show the Court as follows:

1. Debtor filed a voluntary petition under Chapter 11, title 11, of the United States Bankruptcy Code on October 14, 2021, in the United States Bankruptcy Court for the Southern District of Texas, Houston Division.

2. On October 21, 2021, Debtor filed its Application for Order Authorizing the Employment and Retention of Jessica L. Hoff of off Law Offices as Counsel for the Debtor [Docket No. 8]. On November 2, 2021, this Court entered its Order Denying Application to Employ [Docket No. 9].

3. In order to effectuate a reorganization, propose a Plan of Reorganization and effectively move forward in its bankruptcy proceeding, Debtor desires to hire Joyce W. Lindauer Attorney, PLLC as counsel in this matter.

4. Joyce W. Lindauer is the owner of Joyce W. Lindauer Attorney, PLLC and is an attorney practicing primarily bankruptcy law at 1412 Main Street, Suite 500, Dallas, Texas 75202, (972) 503-4033. Ms. Lindauer has taken measures to ensure that she is not working on any projects or cases for anyone else that would create a conflict with her involvement with this case.

5. Ms. Lindauer is to be referred to herein as “Counsel.”

6. Counsel has been chosen by Debtor in that they are experienced in bankruptcy matters and have represented debtors and debtors-in-possession in numerous proceedings before the bankruptcy courts. The Debtor seeks to retain Counsel to represent it in this matter.

7. Pursuant to Bankruptcy Rule 2014(a), the Affidavit of Joyce W. Lindauer is attached hereto as Exhibits "A," and attests that she and the members of Joyce W. Lindauer Attorney, PLLC do not presently hold or represent any interest adverse to the interests of the Debtor or its estate and are disinterested within the meaning of 11 U.S.C. § 101(14) to the best of their knowledge, information, and belief.

8. Joyce W. Lindauer Attorney, PLLC has been paid a retainer of \$10,000.00, which was paid by Robert Foran. The Statement required to be filed pursuant to Bankruptcy Rule 2016 is on file in this proceeding.

9. Counsel has agreed to represent the Debtor on the terms set forth in this Application. The compensation to be paid to Ms. Lindauer shall be \$450.00 per hour. Paralegals and legal assistants are billed at \$65.00 to \$125.00 per hour depending on their years of experience and level of skill. This case will be primarily handled by Dian Gwinnup who is billed at \$125.00 per hour.

10. These hourly rates are those regularly charged by Counsel for services rendered by the respective partners, associates, paralegals, and legal assistants for legal services rendered in similar bankruptcy matters. The hourly rates may be modified by Counsel in the ordinary course of their business. The charges for such services are fair and reasonable and within the normal range for services rendered in similar cases within the Southern District of Texas. The Debtor has agreed to reimburse Counsel for all reasonable out-of-pocket expenses incurred on Debtor's behalf.

11. Pursuant to the provisions of Bankruptcy Rule 2016(b) and Bankruptcy Code § 330, Counsel will file with the Court requests for allowance of payment of fees and expenses incurred by them during the pendency of this bankruptcy matter.

12. Debtor believes the employment of Counsel is in the best interest of the Debtor's bankruptcy estate. Further, the Debtor believes it is necessary to retain Counsel immediately for the purpose of proposing a Plan of Reorganization and defending the Debtor in various matters arising in this case.

WHEREFORE, PREMISES CONSIDERED, Debtor respectfully requests this Court to enter an Order approving the employment of Joyce W. Lindauer Attorney, PLLC as counsel for Debtor, upon the terms and conditions contained herein, and for such other and further relief, at law or in equity, to which Debtor may show itself justly entitled.

Dated: November 17, 2021.

Respectfully submitted,

/s/ Joyce W. Lindauer
Joyce W. Lindauer
State Bar No. 21555700
Joyce W. Lindauer Attorney, PLLC
1412 Main Street, Suite 500
Dallas, Texas 75202
Telephone: (972) 503-4033
Facsimile: (972) 503-4034
PROPOSED ATTORNEY FOR DEBTOR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 17, 2021, a true and correct copy of the foregoing document was served via United States first class mail, postage prepaid, upon the U.S. Trustee and the parties on the attached service list.

/s/ Joyce W. Lindauer
Joyce W. Lindauer

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PROPOSED ATTORNEY FOR DEBTOR

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

PREFERRED READY-MIX LLC,

Debtor.

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**CASE NO. 21-33369
CHAPTER 11**

AFFIDAVIT OF JOYCE W. LINDAUER

STATE OF TEXAS)
)
COUNTY OF DALLAS)

BEFORE ME the undersigned authority, on this day personally appeared the undersigned affiant, who by me sworn, upon oath stated:

1. “My name is Joyce W. Lindauer and I am over eighteen (18) years of age. I am duly admitted to practice law in the State of Texas and the United States Bankruptcy Court for the Southern District of Texas. I am the owner of the law practice Joyce W. Lindauer Attorney, PLLC (the “Firm”) and office at 1412 Main Street, Suite 500, Dallas, Texas 75202. I have taken measures to ensure that I and the members of my firm are not working on any projects or cases for anyone else that would create a conflict with my involvement with this case. I have never been convicted of a crime and am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein and they are all true and correct to the best of my knowledge. I make this Affidavit in support of the Debtor’s Application to Employ Counsel.



2. Neither I, nor any member of the Firm nor contract attorney, is a creditor, equity security holder, or an insider of the Debtor. Neither I, nor any member of the Firm, are and have not been within two (2) years prior to the filing of the petition, a director, officer or employee of the Debtor.

3. Neither I, nor any member of the Firm, hold any interest adverse to the estate, or of any class of creditors or equity security holders by reason of any direct or indirect relationship to, connection with, or interest in, the Debtor in the above-styled bankruptcy case and in the matters upon which the Firm is to be engaged as attorney for Debtor.

4. Neither I, Joyce W. Lindauer Attorney, PLLC, nor any partner, counsel, associate or contract attorney thereof, insofar as I have been able to ascertain, have any connection with the Debtor or its creditors, the United States Trustee, persons employed in the United States Trustee's office, or any other potential parties-in-interest herein, or their respective attorneys.

5. Additionally, the proposed employment of the Firm is not prohibited by or improper under Bankruptcy Rule 5002. I am not related, and to the best of my knowledge, no attorney at the Firm is related, to any United States Bankruptcy Judge or District Court Judge for the Southern District of Texas or the United States Trustee for such district or any employee in the office thereof.

6. To the best of my knowledge, I and each member of the Firm are presently a disinterested person as defined in Section 101(14) of the Bankruptcy Code.

7. The disclosures identified above are based upon all information reasonably available to the Firm at the time of submission of this Affidavit. To the extent necessary, the Firm will supplement this Affidavit as may be required by the Bankruptcy Code and Bankruptcy Rules if and when any other relationships exist or are modified such that further disclosure is required.

8. Subject to Court approval, and in accordance with § 330(a) of the Bankruptcy Code, compensation will be payable to the Firm on an hourly basis, plus reimbursement of actual, necessary expenses incurred by the Firm. The primary attorney and paralegal within the Firm who will represent the Debtor and their hourly rates are set forth below.

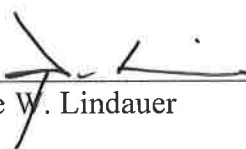
Joyce W. Lindauer	\$450.00
Dian Gwinnup, Paralegal	\$125.00

9. These hourly rates are those regularly charged by the Firm for services rendered by the respective partners, associates, contract attorneys, paralegals, and legal assistants for legal services rendered in similar bankruptcy matters. The hourly rates may be modified by the Firm in the ordinary course of its business. The charges for such services are fair and reasonable and within the normal range for services rendered in similar cases within the Southern District of Texas. The Debtor has agreed to reimburse the Firm for all reasonable out-of-pocket expenses incurred on Debtor's behalf.

10. Prior to the petition date, the Firm received a retainer of \$10,000.00, which was paid by Robert Foran. The Statement required to be filed pursuant to Bankruptcy Rule 2016 is on file in this proceeding.

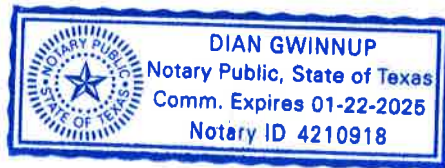
11. No promises have been received by the Firm, nor any partner, counsel, nor associate thereof, as to compensation in connection with this case other than in accordance with the provisions of the Bankruptcy Code. The Firm has no agreement with any other entity to share with such entity any compensation received by the Firm in connection with this case.


EXECUTED this 17 day of November, 2021.



Joyce W. Lindauer

Subscribed and sworn to before me this this 17th day of November, 2021.





Notary Public in and for the State of Texas

Notary ID No. 4210918

Printed Name: Dian Gwinnup

My Commission Expires: January 22, 2025

Label Matrix for local noticing
0541-4
Case 21-33369
Southern District of Texas
Houston
Wed Nov 17 15:26:40 CST 2021

AG Barn Management, LLC
PO Box 409
Mayfield, KY 42066-0030

Alisons Inc
1220 Shotwell Street
Houston, TX 77020-7349

(p)BLUEVINE ANDY SHAW
ATTN BLUEVINE/ANDY SHAW
401 WARREN ST SUITE 300
REDWOOD CITY CA 94063-1578

Cirro Energy
2745 Dallas Parkway Suite 200
Plano, TX 75093-8729

Deon Wallace
2911 Ashlyn Arbor Drive
Fresno, TX 77545-2152

(p)INTUIT INC C O CORPORATION SERVICE COMPANY
251 LITTLE FALLS DRIVE
WILMINGTON DE 19808-1674

(p)MAI & NA PLLC
6588 CORPORATE DR
STE 188
HOUSTON TX 77036-3476

Medellin Concrete Chipping Ser, Inc.
PO Box 225
South Houston, TX 77587-0225

Robert W. Berleth, Receiver
9950 Cypresswood Drive Suite 200
Houston, TX 77070-3413

Preferred Ready-Mix LLC
8750 Scranton Street
Houston, TX 77075

AT&T
208 S Akard Street
Dallas, TX 75202-4206

Alisons Inc LLC
1220 Shotwell Street
Houston, TX 77020-7349

Cameron Roesle
10457 Royal Andrews Drive
Conroe, TX 77303-2601

Con-Tech Manufacturing Inc.
67079 170th Avenue
Dodge Center, MN 55927-7872

FundThrough USA Inc
260 Spadina Avenue
Toronto, ON, Canada m5t 2e4

Jeff Kaiser, Esq.
2211 Norfolk Street Suite 528
Houston, TX 77098-4055

Matthew Tyson
5511 Olympiad Drive
Houston, TX 77041-5523

Rhino Ready Mix LLC
6638 Madden Lane
Houston, TX 77048

Texas Truck Parts
2802 N Wayside Drive
Houston, TX 77020-5573

4
United States Bankruptcy Court
PO Box 61010
Houston, TX 77208-1010

Active Radiator
3675 Amber Street
Philadelphia, PA 19134-2730

Bank Direct Capital Finance
150 N Field Drive Ste 190
Lake Forest, IL 60045-2594

Campbell Concrete & Materials LLC
16155 Park Row Suite 120
Houston, TX 77084-6971

Con-Tech Manufacturing, Inc.
65740 State Hwy 56
Dodge Center, MN 55927-7750

Gulfgate Dodge
7250 Gulf Fwy
Houston, TX 77017-1528

Lopez Concrete Chipping
7802 Pecan Villas Drive
Houston, TX 77061-1632

McNieliuss Truck & Manufacturing Company
14201 Collections Center Drive
Chicago, IL 60693-0001

Robert Foran
9526 BonBrook Bend Lane
Richmond, TX 77469-4730

Texcon Ready Mix
2078 FM 1314
Porter, TX 77365

US Trustee
Office of the US Trustee
515 Rusk Ave
Ste 3516
Houston, TX 77002-2604

Verizon Reveal
1095 Avenue of the Americas
New York, NY 10036-6704

WEX Bank
Exxon Mobil
Po Box 4337
Carol Stream, IL 60197-4337

Wayne Tyson
19238 San Solomon Springs Court
Cypress, TX 77433-3467

Cameron Rosele
PO Box 542069
C/O Derek Loetzerich
Houston, TX 77254-2069

Jessica Lee Hoff
Hoff Law Offices PC
440 Louisiana St Suite 900
77002
Houston, TX 77002-1062

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

BlueVine Capital
401 Warren St. Suite 300
Redwood City, CA 94063

Intuit Quickbooks
2700 Coast Avenue
Mountain View, CA 94043

Mai & Na PLLC
6588 Corporate Drive Ste 188
Houston, TX 77036

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Texcon Ready Mix, Inc.
, Tx

(u)Cemex Const Materials Houston, LLC
TX

End of Label Matrix	
Mailable recipients	35
Bypassed recipients	2
Total	37